

2006 NOV 16 PM 4:07

DEPLREF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Toshio NARITA et al. 2006 NOV 17 PM 4:07 Group Art Unit: 1753

Application Number: 10/501,813

Examiner: Edna Wong

Filed: April 5, 2005

Confirmation Number: 6606

For: **METHOD FOR FORMING Re ALLOY COATING FILM HAVING
HIGH Re CONTENT THROUGH ELECTROPLATING**

Attorney Docket Number: 042393

Customer Number: 38834

REQUEST FOR REFUND

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

November 16, 2006

Sir:

In response to an Office Action dated April 27, 2006, Applicants filed a Terminal Disclaimer on July 26, 2006. Applicants note that July 27, 2006 was the final day of the one-month extended response period. Applicants included a check for \$130.00 for the Terminal Disclaimer.

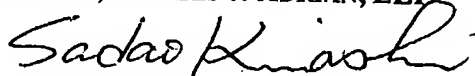
A deposit charge of \$130.00 was subsequently charged on August 15, 2006. Applicants do not recognize this charge for anything that has been filed in the referenced application. A copy of the Deposit Account monthly statement dated August, 2006 accompanies this Request.

Request for Refund
Application No. 10/501,813
Attorney Docket No. 042393

Applicants request that the Patent Office refund the amount of \$130.00 to Deposit
Account 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Sadao Kinashi

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SK/mra

Enclosures: Deposit Account Monthly Statement of August, 2006



United States Patent and Trademark Office

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Deposit Account Statement

Requested Statement Month: August 2006
 Deposit Account Number: 502866
 Name: WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
 Attention: ACCOUNTS PAYABLE
 Address: 1250 CONNECTICUT AVE, NW
 City: WASHINGTON
 State: DC
 Zip: 20036
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/02	311	11495670		9204	-\$200.00	\$3,936.00
08/08	1	11429962	042533A	1051	\$130.00	\$3,806.00
08/08	28	11491018	052915B	1081	\$250.00	\$3,556.00
08/08	24	11412127	043029A	1051	\$130.00	\$3,426.00
08/09	8	11491255	052915B	1081	\$250.00	\$3,176.00
08/09	1	10678225		9204	-\$1,709.00	\$4,885.00
08/10	3	10529639		9204	-\$100.00	\$4,985.00
08/10	34	09951524	011195	1801	-\$790.00	\$5,775.00
08/11	194	11501900		9204	-\$360.00	\$6,135.00
08/14	50	10275963	021340	1251	\$120.00	\$6,015.00
08/14	16	10529854		9204	-\$100.00	\$6,115.00
08/14	17	10529854	052343	1615	\$50.00	\$6,065.00
08/14	1	10775074	021365A	1814	\$130.00	\$5,935.00
08/14	3	09871605	010713	1203	\$360.00	\$5,575.00
08/15	1	10501813	042393	1814	\$130.00	\$5,445.00
08/16	19	10523258		9204	-\$100.00	\$5,545.00
08/16	151	6512521		9204	-\$450.00	\$5,995.00
08/21	3	10538172		9204	-\$100.00	\$6,095.00
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08/29	168	10992653		9204	-\$2.00	\$6,277.00
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08/31	15	11440068	032122A	1051	\$130.00	\$5,197.00
08/31	78	11071461	052168	1251	\$120.00	\$5,077.00

START SUM OF SUM OF END



PTO/SB/26 (09-04)

Approved for use through 07/31/2003. OMB 0351-0031

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number 042383

In re Application of: Toshio NARITA et al.

Application No.: 10/501,813

Filed: April 6, 2005

For: METHOD FOR FORMING Re ALLOY COATING FILM HAVING HIGH Re CONTENT THROUGH ELECTROPLATING

The owner, Japan Science and Technology Agency, Ebara Corporation, Sapporo Electroplating Industrial Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,979,392 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 48,075


Signature

July 26, 2006
Date

Sadao Kinashi
Typed or printed name

202-822-1100
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/83 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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IAP15 Rec'd PCT/PTO 26 JUL 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Toshio NARITA et al.

Group Art Unit: 1753

Application Number: 10/501,813

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For: **METHOD FOR FORMING Re ALLOY COATING FILM HAVING
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Attorney Docket Number: 042393

Customer Number: 38834

AMENDMEND UNDER 37 CFR § 1.111

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

July 26, 2006

Sir:

This paper is filed in response to the Office Action dated April 27, 2006.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begin on page 4 of this paper.

Remarks/Arguments begin on page 7 of this paper.

08/01/2006 HKAYPAGH 00000132 10501813

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Adjustment date: 11/24/2006 SDENBOB1

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